

FILED

JUN 17 2013

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SERGIO GONZALEZ,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS
and BARACK OBAMA,

Defendants.

CV 13-110-M-DWM-JCL

ORDER

Before the Court are the Findings and Recommendations of United States Magistrate Judge Jeremiah C. Lynch. Judge Lynch recommends that Plaintiff Sergio Gonzalez's Complaint be stricken and the case closed.

The Court reviews the Findings and Recommendations of a United States Magistrate Judge for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error is present only if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing Judge Lynch's Findings and Recommendations, I find no clear error.

Plaintiff Gonzalez's Complaint is not signed. (*See* doc. 1.) Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, written motion, and

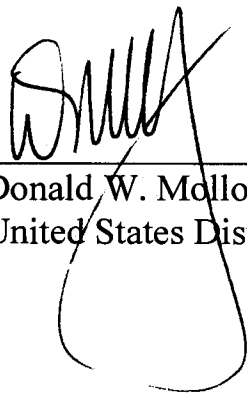
other paper be signed by a party personally if the party is unrepresented. "The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention." Fed. R. Civ. P. 11(a). Judge Lynch's Findings and Recommendations highlight this deficiency, (*see* doc. 2 at 2), and it has not been corrected. Accordingly, Plaintiff Gonzalez's Complaint is stricken.

It bears mention that the same individual appears to have hand-written the Complaint at issue here and another Complaint contemporaneously mailed to and received by this Court. *See* Civil Action No 13-109-M-DWM-JCL. The other Complaint was filed in the name of Young Yil Jo, a former federal prisoner who has filed many frivolous lawsuits in federal courts across the country. The handwriting on this Complaint and the other Complaint matches complaints filed by Young Yil Jo in other jurisdictions. Young Yil Jo has a history of submitting complaints in other prisoners' names without their knowledge. *See* Civil Action Nos. 13-98-M-DWM-JCL; 12-118-BLG-RFC. After Judge Lynch submitted his Findings and Recommendations, a Notice of Appeal was filed in this case. (Doc. 3.) Not only is this Notice untimely, *see* Fed. R. App. P. 4, Plaintiff has not been granted leave to proceed *in forma pauperis* and has not paid the filing fee, (*see* doc. 4). This action is frivolous and without merit. Appeal of this Court's decision to strike the pleadings and close the case is not taken in good faith.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (doc. 2) are ADOPTED IN FULL. The Complaint in this matter (doc. 1) is STRICKEN.

IT IS FURTHER ORDERED that the Clerk of Court shall close the case and enter judgment in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 17th day of June, 2013.



Donald W. Molloy, District Judge
United States District Court